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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,431	06/14/2005	George Hoshi	040549	8396
	7590 03/06/200 TOS & HANSON, LL	EXAMINER		
1420 K Street, I		PRICE, CRAIG JAMES		
Suite 400 WASHINGTO	N, DC 20005	ART UNIT	PAPER NUMBER	
			3753	
			MAIL DATE	DELIVERY MODE
			03/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/511,431	HOSHI ET AL.		
Examiner	Art Unit		
Craig Price	3753		

The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED <u>07 February 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies; (1) an amendment, affadavit, or other evidence, which places the for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time or continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time periods:  a) The period for reply expires 2 months from the mailing date of this Advisory Acidno or (2) the date set forth in the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHING.  Extensions of time may be obtained under 37 CFR 1.136(a) and the suppropriate extensions for more may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension few box benefiled is the date for purposes of Identifying the period of extension and the corresponding amount of the final Official acidno, or CFR 1.176(a) is calculated from: (1) the expiration date of the substrand shalutary period for reply originally set in the final Official acidno, or CFR 1.176(a) is calculated from: (1) the expiration date of the substrand shalutary period for reply originally set in the final Official acidno, or CFR 1.176(a) is calculated from the substrand of the substrand shalutary period for reply originally set in the final Official acidno, or CFR 1.176(a) is calculated from: (1) the expiration date of the substrand shalutary period for reply originally set in the final Official acidno, or CFR 1.176(a) is calculated from the original transparent original control of the calculated from the original		Craig Price	3753	
<ul> <li>1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must intelly file one of the following replies: (1) an amendment, affidative, or other evidence, with place site application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compiliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compiliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li> <li>a) The period for reply expires 2 months from the mailing date of the final rejection.</li> <li>b) The period for reply expires 9. months from the mailing date of the final rejection.</li> <li>Examiner Note: If those 1 is statutory period for reply expires on: (1) the mailing date of the final rejection.</li> <li>Examiner Note: If those 1 is checked, check either box (a) or (b) CNLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRM REJECTION. See MFPE 706.67(7).</li> <li>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee naver by CFR 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originals by in the final Office action; or (2) as many reduce any extended patient term adjustment. See 37 CFR 1.74(b).</li> <li>NOTICE OF APPEAL 2.</li> <li>The Notice of Appeal was fled on A brief in compiliance with 37 CFR 4.137(e), to avoid dismissal of the appeal. Since a Notice of Appeal was been flied, any reply must be filed within the time period set forth in 37 CFR 4.13.7(a).</li> <li>The Notice of Appeal was been flied, any reply must be filed within the time period set forth in 37 CFR 4.13.7(a).</li> <li>MENDMENTS</li> <li>The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) [MEDR</li></ul>	The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 4.1.14. The reply must be filed within one of the following time periods:  a) \( \) The period for reply expires 3_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection.  b) The period for reply expires 3_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY STIELVE	THE REPLY FILED <u>07 February 2008</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FO	R ALLOWANCE.	
no event, however, will the statutory period for reply expired for 19th expired for reply expire later than SIX MONTHS from the mailing date of final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See WFEP 706 07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shorthened statutory period for reply originally set in the final Office action; or (2) ass toff in (b) above, if checked. Any reply received by the Office later than three months after the malling date of the final rejection, even if timely filed, may reduce any semed patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  □ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing the follow;  (b) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (propeal will not be entered because the affidiavit or other evidence f	application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amendment, affidavireal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shorthead statutory period for reply originally set in the final Office action; or (2) as set for thin (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):  AFFIDAATION OF DIFFER VIDENCE  Claim(s) allowed:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) allowed:  Claim(s) objected to: 9.  Claim(s) withdrawn from consideration:  AFFIDAATION OF THER EVIDENCE  Be Claim(s) withdrawn from consideration:  AFFIDAATION OF THER EVIDENCE  Be	b) The period for reply expires on: (1) the mailing date of this Adno event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	dvisory Action, or (2) the date set forth ster than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE ).	g date of the final rejection FIRST REPLY WAS FI	on. LED WITHIN TWO
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Claim(s) objected to: 9. Claim(s) rejected: 1-8. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is prove The status of the claim(s) is (or will be) as follows:	will not be entered, or b)  wil	•	-
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REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:  /Ramesh Krishnamurthy/	entered because the affidavit or other evidence failed to or	vercome <u>all</u> rejections under appea	al and/or appellant fail	s to provide a
See Continuation Sheet.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. Other:  /Ramesh Krishnamurthy/	REQUEST FOR RECONSIDERATION/OTHER		•	
13. ☐ Other:/Ramesh Krishnamurthy/	See Continuation Sheet.	, , , , ,	condition for allowan	ce because:
	· · ·	PTO/SB/08) Paper No(s)		

Continuation of 3. NOTE: the limitations "clip being of an inverted U-shape with flat opposed walls" added to the independent claim requires further consideration and a new search. Certainly the walls between reference 21 of Mittendorf as shown in figure 3 are flat.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the argument concerning claim 2, that Lengstorf does not have the structure composed of "an upper stage, a lower stage, a line support member and a base member", these components are disclosed by Johnson, see pages 2 and 3 of the previous action Regarding the argument for claim 2, that a sheath heater is inserted in the bore without insulation, is not persuasive because the heater although may have insulation, is installed in a bore which does not have insulation, there is no positive recitation that the heater does not have insulation, such as " a sheath heater without insulation inserted in a bore". The arguments in regards to claim 7, are answered in the above response for claim 2..